

# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 043-16 3065 SAMARKAND DRIVE MODIFICATION AUGUST 3, 2016

#### **APPLICATION OF PETER HALE, APPLICANT FOR NATALIE GUTIERREZ AND JIM JAMES, 3065 SAMARKAND DRIVE, APN: 051-161-001, E-3/SD-2 ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (5 DU/AC) (MST2016-00238)**

The 10,140 square-foot lot is currently developed with an existing 1,228 square foot, one-story, single-family residence with an attached 372 square foot, two-car garage. The proposed project involves construction of a detached one-story, 496 square foot accessory building to be located behind the existing house in what serves as the rear yard backing up to Las Positas Road. This lot has street frontages on Samarkand Drive and Las Positas Road, resulting in two front yards by Zoning Ordinance definition. Accessory buildings (except for garages) are not allowed to be placed in a front yard.

The discretionary application required for this project is a Modification for the detached accessory building to be located within a front yard (SBMC §28.87.160 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 & 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 27, 2016.
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

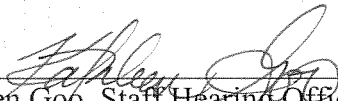
- I. Approved the requested Modification to allow a detached accessory building to be located within the front yard making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed accessory building is appropriate in this location due to existing development on site which limits the areas where a detached accessory building could be allowed and the fact that the property has two front yards. The proposed accessory building is screened from Las Positas Road by the grade difference and an existing concrete block wall.
- II. Said approval is subject to the following conditions:
  - A. The existing small shed shall be removed from the property.
  - B. The existing guy wires and utility easement behind the proposed accessory building shall be shown on the plans submitted for a building permit.

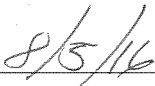
- C. The bathroom within the detached accessory building is limited to a toilet and sink. The maximum interior dimension of the ½ bathroom shall be 3 feet by 5 feet. No closets shall be located adjacent to the bathroom walls.
- D. Existing and proposed vegetation within the required site visibility triangle adjacent to the driveway shall be trimmed and maintained at a maximum height of 3 ½ feet.

[RS1]

This motion was passed and adopted on the 3<sup>rd</sup> day of August, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

  
Kathleen Goo, Staff Hearing Officer Secretary

  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.